ORDER RECEIVED FOR FILING
Date

103/41
By

IN RE: PETITIONS FOR SPECIAL HEARING,

SPECIAL EXCEPTION AND VARIANCE -

SW/S Bowleys Quarters Road, and *

SE/S Susquehanna Avenue

(900 Bowleys Quarters Road)

15th Election District

7th Councilmanic District

* BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 97-486-SPHXA

Bowleys Quarters Volunteer Fire Department

Petitioner

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception, and Variance filed by the owner of the property, the Bowleys Quarters Volunteer Fire Department, by Stephen M. Clay, Sr., through their attorney, John B. Gontrum, Esquire. The property, known as 900 Bowleys Quarters Road, located in the vicinity of Susquehanna Avenue and Clarks Point Road in Bowleys Quarters. The Petitioners seek approval of a waiver to permit a fire equipment storage building in a tidal flood plain, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), Section 517.1 (510.1) of the Baltimore County Building Code (B.C.B.C.), and Sections 26-670, 26-172(a)(3) of the Baltimore County Code (B.C.C.). In addition, the Petitioners request a special exception for a volunteer fire station, community hall, accessory structures, and parking in a D.R. zone, pursuant to Section 1B01.1.C.19 of the B.C.Z.R., and variance relief from the B.C.Z.R. as follows: From Section 1B01.2.C.l.a to permit a rear yard setback of 15 feet in lieu of the required 30 feet; from Section 517.1.3.A to permit an accessory structure (garage) exceeding 900 sq.ft. in size in a flood plain; from Section 409.8.A.2 to permit a stone parking surface lieu of the required macadam paving or durable and dustless surface; and from Section 409.8.A.2 to permit unmarked parking spaces on compacted stone

DATE SAME SAME SAME FILING BY.

in lieu of the required striped parking spaces. The subject property and requested relief are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Carlyle P. Clay, Jr., a representative of the Bowleys Quarters Volunteer Fire Company, owner of the property, William F. Bafitis, Professional Engineer who prepared the site plan for this property, and John B. Gontrum, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.21 acres, zoned D.R. 3.5 and is the site of the Bowleys Quarters Volunteer Fire Company. This property was the subject of prior Case No. 2003 in which a special exception was granted for the existing fire department and community hall building (5,076 sq.ft.) on June 5, 1951. In 1956, an addition of 5,469 sq.ft. was added to provide offices and storage space. Thereafter, a fire equipment storage addition of 4,220 sq.ft. was constructed in 1958. The Petitioners now come before me seeking approval to construct a separate, one-story equipment storage building of 3,750 sq.ft., towards the front of the site, with future additions of 750 sq.ft. each on either side to provide additional future storage space. The proposed building will be utilized as a garage and will have four (4) storage bays. Due to the irregular shape of the lot, and the topography of the land, the requested special hearing and special exception relief are necessary in order to legitimize existing conditions on the property and permit the proposed expansion. Testimony revealed that all of the existing improvements on the site were built within the Residential Transition Area (RTA) and as such, the variance relief is

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By

necessary in order to legitimize their existence. Furthermore, the proposed building will be located in the RTA as well.

It is to be noted that by letter dated June 25, 1997, C. Robert Olsen, Director of Public Works, recommended approval of the requested waiver. Thus, I shall grant the Petition for Special Hearing to permit construction of the proposed building in a tidal flood plain. As to the Petition for Special Exception, the Petitioners were granted approval to construct the existing fire department/community hall in 1951. However, inasmuch as additional development has occurred on the site since the granting of that special exception, relief is sought to legitimize existing conditions and the proposed fire equipment storage building, which is permitted in the D.R. zone by special exception.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing, special exception and variances should be granted.

THEREFORE AT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July, 1997 that the Petition for Special Hearing seeking approval of a waiver to permit a fire equipment storage building in a tidal flood plain, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), Section 517.1 (510.1) of the Baltimore County Building Code (B.C.B.C.), and Sections 26-670, 26-172(a)(3) of the Baltimore County Code (B.C.C.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a volunteer fire station, community hall, accessory structures, and parking in a D.R. zone, pursuant to Section 1801.1.C.19 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 1801.2.C.1.a to permit a rear yard setback of 15 feet in lieu of the required 30 feet; from Section 517.1.3.A to permit an accessory structure (garage) exceeding 900 sq.ft. in size in a flood plain; from Section 409.8.A.2 to permit a stone parking surface in lieu of the required macadam paving or durable and dustless surface; and from Section 409.8.A.2 to permit unmarked parking spaces on compacted stone in lieu of the required striped parking spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated May 15, 1997, the comments made by the Development Plans Review Division of the Department of Permits and Development Management (DPDM), dated May 14, 1997, and the Department of Public Works (DPW) comments dated June 25, 1997, copies of which are attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

Date May 15, 1997 To: Arnold L. Jablon R. Bruce Seeley ADS/40 From: Project NameBOWLEYS QUARTER VOLUNTEER FIRE DEPT. Zoning Item # 486 Subject: Address Zoning Advisory Committee Meeting of MAY 5, 1997 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine the exten to which environmental regulations apply to the site. The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: Development of the property must comply with the Regulations for the Protection of Water Quality, Sreams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code). Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 6-436 through 26-461, and other Sections, of the Baltimore County Code). GROUND WATER MANAGEMENT: Any building structure must be a minimue of 20 ft. from the septic system.

ORDER RECEIVED FOR FILING

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 14, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for May 12, 1997 Item No. 486

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

A Schematic Landscape Plan must be submitted that conforms to the Landscape Manual to the full extent possible.

RWB:HJO:jrb

cc: File

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ZONE512.486

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Lawrence Schmidt

Zoning Commissioner

FROM:

C. Robert Olsen, Director

Department of Public Works

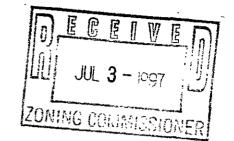
SUBJECT:

Bowleys Quarters Volunteer Fi

Сотралу

Floodplain Waiver

DATE: June 25, 1997



We have reviewed the submittal from Bafitis & Associates concerning the placement of a new equipment building in the tidal floodplain, The site varies in elevation from 5 feet to 10 feet above sea level.

To build in a tidal floodplain, the grade of the first floor or lowest floor must be 1-foot above the tidal floodplain which, in this case, would be elevation 11.2 feet. To obtain the elevation on this site would be a hardship that would probably hamper the maneuvering of equipment on this site.

I am recommending approval of this waiver for the construction of the equipment building at elevation 9 feet. It should be noted in your Order that the waiver is for the equipment building only and not for any living quarters.

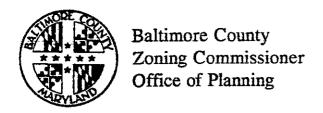
If you should have any questions on this matter, please call Robert Bowling on extension 3751.

RWB:jrb

cc: File

ORDER RECEIVED FOR FILING
Date
By

RWB145



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

July 28, 1997

John B. Gontrum, Esquire Romadka, Gontrum & McLaughlin 814 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE SW/S Bowleys Quarters Road, and SE/S Susquehanna Avenue (900 Bowleys Quarters Road)
15th Election District - 7th Councilmanic District
Bowleys Quarters Volunteer Fire Department - Petitioner
Case No. 97-486-SPHXA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Stephen M. Clay, Sr., Bowleys Quarters Volunteer Fire Dept. 900 Bowleys Quarters Road, Baltimore, Md. 21220

Mr. Carlyle P. Clay, Jr. 7856 Harold Road, Baltimore, Md. 21222

People's Counsel; Case Files

RE:	PETITIC	n for	SPECIA	I HEA	RING		*		BEFORE	THE		
	PETITIC	N FOR	SPECIA	L EXC	EPTION							
	PETITIC	N FOR	VARIAN	ICE.			*		ZONING	COMMIS	SIONER	
900	Bowleys	Quart	ers Roa	d, Sw	I/S Bow.	leys						
Quar	ters Roa	d and	SE/S S	Susque	hanna i	Avenue	*		OF BALT	IMORE (COUNTY	
15th	Election	n Dis	trict,	5th C	Council	manic						
							*		CASE NO	. 97-48	36-SPHX	Α
Comm	unity Vo	lunte	er Fire	Depa	ırtment	of						
Bowl	eys Quar	ters	and Vic	inity	, Inc.		*					
	Petitic	ner										
*	*	*	*	*	*	*	*	*	*	*	*	*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Peter Marg Zinnemen PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

 $\frac{\text{CERTIFICATE OF SERVICE}}{\text{I HEREBY CERTIFY that on this }} \frac{30\%}{\text{day of March, 1997, a copy of }}$ the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioners.

Peter Max Timmeman



Revised 9/5/95

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

900 Bowleys Quarters Rd.

Balt. Md.

21220

which is presently zoned

D.R. 3.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a waiver pursuant to Section 500.6 BCZR;

Section 517.1 (510.1), Building Code; and SFctions 26-670, 26-172(a) (3), BCC to build a fire equipment storage building in a tidal flood plain.

Property is to be posted and advertised as prescribed by Zoning Regulations.

4/25/4/

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penanties of perjury, that I/we are the legal owner(c) of the property which is the subject of this Petition.
Contract Purchaser/Lessee	Legal Owner(s):
ā .	BOWLEY'S QUATERS V.F.D.
(Type or Print Name)	(Type or Print Name)
	(Type or Print Name) Legglen M. Clay In. Signature
Signature	Signature
Aggress	STEPHEN M. CLAY SR. Type or Pmt Namel
Address	(Type or Print Name)
City State Zipcode	Signature
•	(410)
Attorney for Petitioner	900 BOWLEY'S QUATERS Ro. 335-8820 Address Phone Na.
John B. Gontrum (Type or Print Name)	BAUTO, MD. ZIZZD. State Zipcode
AB ht	Name. Address and phone number of representative to be contacted.
Signature	CARLYLE P. CLAY JR.
814 Eastern Blvd. 410-686-8274	7856 HAROID ROAD (410) 284-7160
Address Phone No.	Address Phone Ne.
Baltimore, Md. 21221	OFFICE USE ONLY
State Zipcode	ESTIMATED LENGTH OF HEARING
DROP-()FF	unavailable for Hearing
	the following dates Next Two Months
NO PEVIEW.	ALLOTHER
	REVIEWED BY: DATE



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

900 Bowley's Quarters Road, Baltimore, Md 21220
which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a volunteer fire company station, community hall, accessory structures and parking in a D.R. zone pursuant to Zoning Section 1801.16.19.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
	Contract Purchaser/Lessee:	Legal Owner(s)
	(Type or Print Name)	Community Volunteer Fire Department of Bowleys Quarters and Vicinity, Inc.
	Signature	Signature
	Address	Fredrick Fischer III: (Type or Pant Name) President)
	City State Zipcode	Signature
	Attorney for Petitioner:	900 Rowleys Quarters Road 288-8482 Address Phone No.
9	John B. Contrum (Type or Print Name)	Baltimore, Md. 21220 City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
FILING	Signature	Name
2001 2	814 Fastern Boulevard 1-410-638-8274	Address Phone No
	Essex, Md. 21221 City State Zipcode	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING unavailable for Hearing
ORDER RECE	DROP-OFF	the following dates Next Two Months ALLOTHER
出	NO REVIEW 4/25/97	REVIEWED BY:DATE
ORD Date	HIZSHUCK	



on for

to the Zoning Commissioner of Baltimore

for the property located at

900 Bowleys Quarters Road, Balt. Md. 21220

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attachment A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attachment 🔓

uc R

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		legal owner(s) of the property which is the subject of this Petition.
	Contract Purchaser/Lessee:	Legal Owner(s):
	(Type or Print Name)	Community Volunteer Fire Department of (Type or Paint Name) Bowleys Quarters and Vicinity, Inc.
	Signature	Signeture
	Address	Fredrick Fischer III (Type or Print Name) President
	City State Zipcode	Fill File File Signature
	Anomey for Petitioner: John B. Gontrum	900 Bowleys Quarters Road 288-8482
2	(Type or Print Name) Signature	Address Phone No Baltimore, Maryland 21220 City State Zipcode Name, Address and phone number of representative to be contacted.
ED FOR FILING	B14 Eastern Boulevard 1-410-638-8274 Address Phone No. Essex, Md. 21221 City State Zipcode	Address Phone No. OFFICE USE ONLY
ORDER RECEIV	Printed with Soybean link on Recycled Paper	ESTIMATED LENGTH OF HEARING uneveilable for Hearing the following dates Next Two Months ALLOTHER
ORD Date	4/25/9/	REVIEWED BY:DATE

Attachment A Petition for Variance

97-486-SPHYA

- 1. Section 1B01.2Cla (BCZR) to permit a rear yard of 15' in-lieu of the required 30 feet.
- 2. Section 517.1.3.A (BCZR) To permit a garage (structure) to exceed 900 square feet in a flood plain.
- 3. Section 409.8.A.2 (BCZR) To permit a stone parking surface in lieu of a durable dustless surface.
- 4. To permit unstriped parking spaces on compacted stone in lieu of required striped parking spaces.

ORDER RECEIVED FOR FILING
Date
By

Attachment B
Petition for Variance

97-486-SPAYA

Additional equipment to render service to the expanding Community area of the volunteer fire company has become necessary, and the proposed equipment storage building is located in virtually the only place on the site that will not impact traffic flow or needed parking. The site is near the apex of a triangle formed by Bowleys Quarters Road and Susquehanna Road, and the proposed site will be up against a commercially used property. Parking construction variances are sought due to the location of the property in the Chesapeake Bay Critical Area. Much of Bowleys Quarters is in a flood plain, but the need for the facility at such a centralized location is clear, and the proposed location opposite the existing building will give ease of access and flow. If the proposed variances are not granted, the needed uses could not be provided at this location. The site has had a special exception use on it since 1951, and has served the community well since that time.



97.486-594XA

ZONING DESCRIPTION FOR 900 BOWLEY'S QUARTERS ROAD

BEGINNING at a point on the west side of Bowley's Quarters Road, 40 ft. Wide, at a distance of 600± southeasterly from the intersection of centerlines of Bowley's Quarters Road and Susquehanna Avenue, 1) thence running along Bowley's Quarters Road South 32°-59'-01"

East 33.49' to a point at a curve, 2) thence running along said road with a curve to left with a radius of 911.72' and a length of 161.30' and (chord bearing of South 38°-03'-07" East and a chord distance of 161.09') to a point; 3) thence running along said road South 43°-07'-12" East 60.25' to a point; 4) thence leaving said road with the following three courses and distances:

South 43°-40'-29" West 411.03' to a point; 5) thence North 02°-51'-31" West 68.89' to a point; 6) thence North 67°-00'-31" West 355.91' to a point along Susquehanna Avenue, 30 ft. wide; 7) thence running along said road North 26°-42'-29" East 172.38' to a point; 8) thence leaving said road with the four following courses and distances; South 67°-00'-31" East 88.94' to a point; 9) thence North 22°-59'-29" East 128.00' to a point; 10) thence South 67°-00'-31" East 110.44' to a point; 11) thence North 56°-57'-29" East 173.21' to a point at the place of the place

Mliam Bafit

TOTAL OF HERMAN

Case 455 486 SPTKA SMS Routeys Quarters Product SMS Routeys Quarters Flood and STS. Susquetanos Trace

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The Connection and Connection Country Volunteer Flaction Country Volunteer Flactions of Bowleys Dears as a Connection of Bowleys Dears a scale to build a me employeer to build a me employeer storage building in a first Connection Country Station Country had the Station, community half, accessing structures, and panels, and panels, and panels, and panels, the station of the section for the section of the section for the section of space of 35 feet in lieu of the re-paired 30 feet to people as State packing surface in lieu of a denatile, dustless, surface and the permit unstriped park-ing spaces in lieu of the re-ound staped parking spaces. Monday, lieu 9, 1937 of 2-80 p.m., and hour hearing, mount Courts (May, 1931 of 2-80 p.m., and hour hearing, mount Courts (May, 1931 of 2-80 p.m., and hour hearing, mount Courts (May, 1931 of 2-80 p.m., and hour hearing, mount Courts (May, 1931 of 2-80 p.m., and hour hearing, mount Courts (May, 1931 of 2-80 p.m., and hour hearing, mount Courts (May,

LAMBENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES. (1) Hearings are Handicapped Accessible, for

Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing.
Please Call (410) 887-3391.

5/301 May 15 C143665

CERTIFICATE OF PUBLICATION

	TOWSON, MD.,	5/15	, 1997_
THIS IS	TO CERTIFY, that the	annexed adverti	sement was
published in 7	THE JEFFERSONIAN, a	weekly newspap	er published
in Towson, Ba	ultimore County, Md., on st publication appearing	ce in each of	_successive
weeks, the firs	st publication appearing	on <u>5/15</u>	, 1997.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case # 97-486-SPHXA

Petitioner/Developer:
(Bowleys Quarters Vol. Fire)
Date of Hearing/Closing:
(June 9, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law					
were posted conspicuously on the property located at					
900 Bowleys Quarter's Road Bal	timore, Maryland 21228				
The sign(s) were posted on	May 23, 1997 (Month, Day, Year)	-			



Sincerely,

(Signature of Sign Foster & Date)

Thomas P. Ogle, Sr. (Printed Name)

325 Nicholson Road (Address)

Baltimore, Maryland 21221

(410)-687-8405

(Telephone Number)

97-486-SPHXA

Request for Zoning: Variate Special Exception, or Special Hearing	
Date to be Posted: Anytime before but no later than	
Format for Sign Printing Black Letters on White Books	

ITEM 486

ZONING NOTICE

Case No.: <u>97-486-</u>XA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:	
DATE AND TOUR	

REQUEST: SPECIAL EXCEPTION FOR A VOLUNTEER FIRE CO.
STATION, COMMUNITY HALL, ACCESSORY STRUCTURES
+ PARKING. VARIANCE TO PERMIT A REAR YARD OF 15
FT. IN LIEU OF REQUIRED 30 FT.: TO PERMIT A STONE
PARKING SURFACE IN LIEU OF A DURABLE DUSTLESS

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc SURFACE; + TO PERMIT UNSTRIPED PARKING SPACES IN LIEU OF REQUIRED STRIPED PARKING SPACES. SPECIAL HEARING TO APPROVE A WAIVER TO BUILD A FIRE EQUIPMENT STORAGE BUILDING IN A TIDAL FLOODPLAIN.

TO: PUTUXENT PUBLISHING COMPANY
May 15, 1997 Issue - Jeffersonian

Please foward billing to:

John Gontrum, Esq. 814 Eastern Boulevard Baltimore, Maryland 21221 410-686-8274

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-486-SPHXA 900 Bowleys Quarters Road

SW/S Bowleys Quarters Road and SE/S Susquehanna Avenue

15th Election District - 5th Councilmanic

Legal Owner(s): Community Volunteer Fire Department of Bowleys Quarters and Vicinity, Inc.

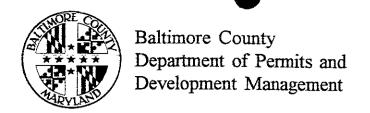
Special Hearing to approve a waiver to build a fire equipment storage building in a tidal floodplain. Special Exception for a volunteer fire company station, community ball, accessory structures, and parking. Variance to permit a rear yard of 15 feet in lieu of the required 30 feet; to permit a stone parking surface in lieu of a durable, dustless surface; and to permit unstriped parking spaces in lieu of the required striped parking spaces.

HEARING: MONDAY, JUNE 9, 1997 at 2:00 p.m., 4th floor hearing room Court Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 9, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-486-SPHXA 900 Bowleys Quarters Road

SW/S Bowleys Quarters Road and SE/S Susquehanna Avenue

15th Election District - 5th Councilmanic

Legal Owner(s): Community Volunteer Fire Department of Bowleys Quarters and Vicinity, Inc.

Special Hearing to approve a waiver to build a fire equipment storage building in a tidal floodplain. Special Exception for a volunteer fire company station, community hall, accessory structures, and parking. Variance to permit a rear yard of 15 feet in lieu of the required 30 feet; to permit a stone parking surface in lieu of a durable, dustless surface; and to permit unstriped parking spaces in lieu of the required striped parking spaces.

HEARING: MONDAY, JUNE 9, 1997 at 2:00 p.m., 4th floor hearing room Court Bldg., 401 Bosley Avenue.

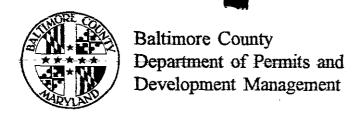
Arnold Jablon Director

cc:

Community Volunteer Fire Department of Bowleys Quartes & Vicinity, Inc. John Gontrum, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 25, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 6, 1997

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, MD 21221

RE: Item No.: 486

Case No.: 97-486-SPHXA

Petitioner: Bowley's Quarters V.F.D.

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 25, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

W. Carl Richards, Jr. Zoning Supervisor

Cont Richardy ye

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 14, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for May 12, 1997 Item No. 486

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

A Schematic Landscape Plan must be submitted that conforms to the Landscape Manual to the full extent possible.

RWB:HJO:jrb

cc: File

From:		R. Bruce Seeley ADS/90
Subject:		Zoning Item # 486 Project NameBOWLEYS QUARTER VOLUNTEER FIRE DEPT. Address
		Zoning Advisory Committee Meeting of MAY 5, 1997
		partment of Environmental Protection and Resource Management has no comments on the referenced zoning item.
		epartment of Environmental Protection and Resource Management requests an extension for the review above referenced zoning item to determine the exten to which environmental regulations apply site.
✓		epartment of Environmental Protection and Resource Management offers the following comments on the referenced zoning item:
		Development of the property must comply with the Regulations for the Protection of Water Quality, Sreams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
		Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
	✓	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 6-436 through 26-461, and other Sections, of the Baltimore County Code).
	✓	GROUND WATER MANAGEMENT: Any building structure must be a minimue of 20 ft. from
		the septic system.

Date May 15, 1997

To:

bowleys.doc jabion.dot Arnold L. Jablon

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

May 8, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: White Mirch Properties, Inc.

Community Volunteer Fire Department

of Bowleye Quarters and Vicinity, Inc.

Location: DISTRIBUTION MEETING OF May 5, 1997

Item No.: 464. and 496

Zoning Agenda:

Gentlemen:

Pursuant to your reduct, the reference property has been surveyed by this Burrie and the commence cauch are applicable and required to be corrected or incorporated onto the final plane for the property.

5. The buildings and structures soluting or precessed on the site small comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. POBERT P. SAUEPWALD Fire Marchal Office, PHONE 387-4681, MS-1102F ac: File





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management

DATE: May 13, 1997

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 464, 479 and 486

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495

Division Chief Cant Kuns

AFK/JL



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 5.6.97 RE: Item No.

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours.

P.J. Bredhi Por Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Lawrence Schmidt

Zoning Commissioner

FROM:

C. Robert Olsen, Director

Department of Public Works

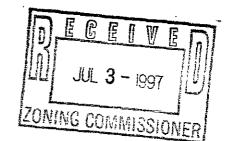
SUBJECT:

Bowleys Quarters Volunteer Fi

Company

Floodplain Waiver

DATE: June 25, 1997



We have reviewed the submittal from Bafitis & Associates concerning the placement of a new equipment building in the tidal floodplain. The site varies in elevation from 5 feet to 10 feet above sea level.

To build in a tidal floodplain, the grade of the first floor or lowest floor must be 1-foot above the tidal floodplain which, in this case, would be elevation 11.2 feet. To obtain the elevation on this site would be a hardship that would probably hamper the maneuvering of equipment on this site.

I am recommending approval of this waiver for the construction of the equipment building at elevation 9 feet. It should be noted in your Order that the waiver is for the equipment building only and not for any living quarters.

If you should have any questions on this matter, please call Robert Bowling on extension 3751.

RWB:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Donald T. Rascoe

DRC Chairman

DATE: June 20, 1997

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

Department of Permits &

SMANED ROSERT W. BOWLING

Development Management

SUBJECT: Volunteer Fire Department of Bowleys

.__ Quarters_Ploodplain Walver ____

Tom Hamer and I have reviewed the subject site for the waiver of building in a tidal floodplain. The Fire Company site ranges in the elevation of 5 feet to 10 feet. The site would have to be filled extensively to get the new building up to elevation 11.2 to meet the floodplain criteria.

Since the filling would be very difficult to accomplish, we are recommending approval of the proposed building at elevation 9 in lieu of the required elevation of 11.2.

If you should have any questions, please contact me at extension 3751.

RWB:cab

cc: File

Clyde Hinkel

Lawrence Schmidt, Zoning Commissioner

RWB144

The Bowleys Quarters Improvement Association, Inc.

P.O. BOX 18051

BALTIMORE, MARYLAND 21220

(410) 335-9802

June 4, 1997

Bowley's Quarters Volunteer Fire Department (BQVFD)

P.O. Box 4910

Baltimore, Maryland 21220

Attn: Mr. Carlyle Clay

Dear Mr. Clay,



Thank you for meeting with the Bowley's Quarters Improvement Association (BQIA) Board of Directors regarding the BQVFD's plans for expansion of your facilities in the community. We truly appreciate you forethought regarding such development matters that impact our community.

Our Board of Directors felt the meeting was informative and helped us understand your needs. During this meeting, you advised us that due to the critical areas laws, some aspects of your development plans would require the granting of a special exception to the existing laws.

The BQVFD's building plans were presented to the BQIA membership during the March and April community meetings and no concerns were voiced by our members. Therefore, the BQIA Board is forwarding this letter to you to indicate that we are in support of your development plans. Secondly, in regards to your upcoming Zoning Hearing for Special Exception, Case #97-486SPHXA, the BQIA intends to offer no testimony objecting to your request.

The BQIA is in full support of your expansion plans and appreciates your presence in the community.

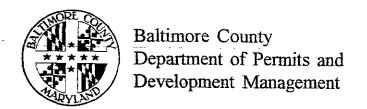
For the Bowleys Quarters Improvement Association, Inc.,

Philip Edwards
President

cc: BQIA Files

Zawrence Schmidt, Zoning Commissioner

BQVFD



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 16, 1997

John B. Gontrum, Esquire Romadka, Gontrum & McLaughlin, P.A. 814 Eastern Boulevard Baltimore, MD 21221

97-486-5PHXA

RE: Drop-Off Petition Review (Item #486)
Bowleys Quarters Volunteer Fire Dept.
900 Bowleys Quarters Road
15th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are <u>advisory</u> and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials.

- Though I discussed some general plan issues with the engineer some months in the past, this site was never formally reviewed with the intent of giving a review for a zoning hearing application.
 - A. Be aware that the floodplain waiver request must first be recommended for approval (before the hearing date) by the Director of the Department of Public Works. Contact Development Management at 410-887-3335 concerning application.
 - B. The wording request for the floodplain relief is incorrectly located on a variance petition, while being worded and referenced incorrectly as requesting riverine floodplain relief on both the variance and special hearing request. Since this is indicated as tidal flood zone in the petition information, the wording and sections referenced must concern a tidal food zone request, not the riverine.

John B. Gontrum, Esquire May 16, 1997 Page 2

- 2. The special exception request for the volunteer fire company and community hall, accessory structures, and parking appears unnecessary in light of zoning case #2003 as referenced on the site plan. A special hearing to amend this previous approved plan would seem to be more appropriate for this existing situation. Since several additions have been made and a new one is proposed since the plan was approved, these should be clearly designated as to what approvals are necessary for amendment.
- 3. No clear authority or title is given to Mr. Clay, who signed the petition for the volunteer fire department for special hearing.
- 4. Include on the plan and clearly label all off-site sources of RTA on-site. including all dwellings and small lots of record less than 2 acres. All off-site buildings within 150 feet of a proposed unlike use tract must be labeled with the existing use. Dwellings must be labeled "existing dwelling" and all vacant lots must include the acreage. All lot and deed divisional lines that adjoin or are across street from the subject property must be shown clearly. The most restrictive residential transition areas must be labeled with the required and applicable 150 foot RTA dimension and included on the plan print. The 100 foot RTA area must also be labeled and shown. Clearly and conspicuously note on the plan: "All off-site dwellings and small lots of record (less than 2 acres) that create a RTA on-site are shown with the required 150 foot distance dimensions and 100 foot RTA". Clearly label all unlike building fronts, label and dimension 75 foot RTA setbacks, 50 foot RTA buffers. Provide and designate on the plan print the required and applicable RTA buffers with a conspicuous bold line around the boundary and remove all other uses, except those drives as permitted under the CMDP.
- 5. The special hearing is not listed in the plan title or the zoning request notes on the plan.
- 6. The vicinity map should be 1" = 1,000 square feet, with the property outline shown.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

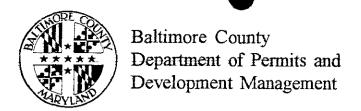
Very truly yours,

Planner II, Zoning Review

Lewis

JLL:scj

c: Zoning Commissioner



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 28, 1997

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, MD 21221

> RE: Drop-Off Petition (Item #486) 900 Bowley's Quarters Road 15th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper forms pertaining to this. There is a form indicating the posting standards required by Baltimore County, as well as a list of vendors serving the Baltimore County area. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 410-887-3391.

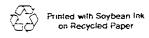
Very truly yours,

ucr(scj

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:scj

Enclosures



ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard Baltimore, Maryland 21221

(410) 686-8274 (410) 686-0118 FAX

ROBERT J. ROMADKA JOHN B. GONTRUM J. MICHAEL McLAUGHLIN, JR.*

TOWSON OFFICE: 307 W. ALLEGHENY AVENUE TOWSON, MARYLAND 21204 (410) 825-0711

JILL D. LOPER

* Also Admitted In the District of Columbia

April 24, 1997

Carl Richards Zoning Co-Ordinator Department of Permits and Development Management County Office Building 111 W. Chesapeake Ave. Towson, Maryland 21204

Re: Bowleys Quarters Volunteer Fire Department

Dear Mr. Richards:

Please accept for filing the attached petitions for a special exception and for variance from the zoning, and flood plain regulations.

The Petition and plan were previously reviewed by John Lewis. - WA Pu JUL

There are no outstanding zoning violations with respect to this matter.

Very truly yours

John B. Gontrum

DROP-OFF NO REVIEW OK. WE

186 / 97 11/25/97 10/25/97

486

Baltimore County Government Department of Permits and Development Management



. 7

97-486-5PHXA

111 West Chesapeake Ave. Towson, Md. 21204

(410) 887-3321

January 14, 1997

Bafitis & Associates, Inc. 1249 Engleberth Road Baltimore, MD 21221

RE: Bowley's Quarters Vol. Fire Co. 900 Bowley's Quarters Road DRC Number 12306M, Dist. 15C5

Dear Sir.

Pursuant to Article 25A, Section 5(U) of the Annotated Code of Maryland and as provided in Section 602(d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on December 30, 1996 and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (A)(8).

Bafitis & Associates, Inc. Bowley's Quarters Vol. Fire Co. January 14, 1997 Page 2

A copy of this letter must be presented when submitting engineering/construction plans to this office and/or when applying for a permit with the Permits and Licenses Section.

Please be advised that Phase 2 review fees may apply, depending on the amount of site disturbance and/or the requirement of a Public Works Agreement.

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 14th day of January, 1997, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely.

Amold Jabion

Director

AJ:DTR:jw

c: Bruce Seeley Carol Brown File

